

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

**In re
LATOYA STEWARD
Debtor**

Cause No 11-46399-705

**LATOYA STEWARD
Plaintiff**

Vs.

Adversary Case No. 13-4284-659

**CRITIQUE SERVICES, LLC, et al
Defendants**

**SPECIAL APPEARANCE AND
RESPONSE TO COURT'S SUA SPONTE ORDER AND NOTICE OF
HEARING ON WHETHER TO TRANSFER ADVERSARY PROCEEDING
TO JUDGE PRESIDING OVER MAIN CASE**

Comes now Defendants Critique Services LLC, James Robinson, Beverley Diltz, and Renee Mayweather, by and through Defendants' counsel, by special appearance only, and not by general appearance, without submission to the jurisdiction of the court and state:

1. The judge presiding over the above styled Adversary Case, entered an Order and Notice of Hearing on Whether to Transfer the above styled Adversary Proceeding to the Judge Presiding over the Main Case and Ordered the Defendants to show cause as to why said case should be retained by the court currently presiding over the above styled Adversary Case.

2. The Defendants have not been served with process in the above styled matter; and thus, at this point in time, the court is without personal jurisdiction over the Defendants.

3. The Defendants wish to preserve all of their procedural and substantive rights, in asserting their defenses to the above styled matter, and thus offer this response to the court's Order by special appearance only before the court without submission to the jurisdiction of the court.

4. Therefore by special appearance before the court solely for the purpose of filing a written response to the Sua Sponte Order of the Court as to whether the above styled Adversary Case should be transferred to the Judge Presiding over the Main Case, the Defendants submit this written response for consideration by the court.

5. Defendants Critique Services and Robinson are Respondents to a contested matter pending before the Judge presiding over the Main Case.

6. A substantial number of the issues raised in the Adversary Case have also been raised in the contested matter pending before the Judge presiding over the Main Case.

7. A substantial number of the issues raised in the Adversary Case have already been or previously ruled upon by the Judge presiding over the Main Case.

8. Therefore, the Judge in the Main Case may not fairly and impartially preside over the above styled Adversary Case in that he has already adjudicated and ruled on a substantial number of the issues in the Adversary Case when making judgments and rulings in the Contested matter; and thus, for that reason, the Judge in the Main Case is disqualified from presiding over this Adversary Case.

9. Moreover, the Defendants have previously moved to disqualify the judge presiding over the contested matters pending in the Main Case; and although, said Motion was denied, the Defendants intend to also file such a Motion in the above styled Adversary Case as well.


10. Thus the Judge Presiding over the Main Case may disqualify himself from presiding over this Adversary Case; and in the event he does not so disqualify himself, an Appellate court may find that he should have disqualified himself and thus both the time and resources of the court expended in the disposition of this Adversary Case and the parties will have been wasted.

11. Therefore, in the interest of judicial economy and fairness to all parties concerned, the court should not transfer this Adversary Case to the Judge presiding over the Main Case.

WHEREFORE, Defendants Critique Services LLC, James Robinson, Beverley Diltz, and Renee Mayweather, by and through their counsel, assert that the court should retain jurisdiction over the above styled Adversary Case.

By: 
Elbert A. Walton, Jr.

METRO LAW FIRM, LLC.

By: 
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CERTIFICATE OF SERVICE: By signature below, I hereby certify that on January 6, 2014 the foregoing was filed electronically with the Clerk of Court to be served by operation of the Court's electronic filing system upon all parties registered with said electronic filing system as indicated by the ECF system:

By: 